

Senate Bill 403

By: Senator Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to provide that as a condition of probation or parole, the probationer or parolee will waive his or her Fourth Amendment rights regarding search and seizure and consent to the admission into evidence of the fruits of such search; to provide a title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Anti-Crime and Safe Streets Act of 2010."

SECTION 2.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended in Code Section 42-8-35, relating to terms and conditions of probation, by adding a new subsection to read as follows:

"(a.1) In addition to any other conditions of probation, the court shall require that the probationer agree in writing that he or she does:

(1) While on probation, permit the search or seizure, by the probationer's probation officer or any law enforcement officer, with or without a search warrant and with or without cause, of the probationer's person, any vehicle the probationer owns or drives, and any of the probationer's personal possessions located outside of his or her residence; and

(2) While on probation, permit the search or seizure, by the probationer's probation officer or any law enforcement officer, with or without a search warrant and with reasonable suspicion that the probationer is in violation of the law, of the probationer's residence and any personal possessions therein; and

(3) At any time, consent to the use as evidence in a judicial proceeding of anything seized under paragraph (1) or (2) of this subsection."

SECTION 3.

Said title is further amended in Code Section 42-9-44, relating to conditions of parole, by adding a new subsection to read as follows:

"(a.1) In addition to any other conditions of parole, the board shall require that the parolee agree in writing that he or she does:

(1) While on parole, permit the search or seizure, by the parolee's parole officer or any law enforcement officer, with or without a search warrant and with or without cause, of the parolee's person, any vehicle the parolee owns or drives, and any of the parolee's personal possessions located outside of his or her residence; and

(2) While on parole, permit the search or seizure, by the parolee's parole officer or any law enforcement officer, with or without a search warrant and with reasonable suspicion that the parolee is in violation of the law, of the parolee's residence and any personal possessions therein; and

(3) At any time, consent to the use as evidence in a judicial proceeding of anything seized under paragraph (1) or (2) of this subsection."

SECTION 4.

This Act shall become effective on July 1, 2010, and shall apply with respect to probation and parole granted on or after that date.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.